

REMARKS

The Applicants have carefully reviewed the Office Action of December 31, 2002 and in response submit a Request for Continued Examination and this Amendment. Based upon the following comments it is believed that the Examiner will find that all of the presently pending claims patentably distinguish over the prior art and should be allowed.

Claims 1, 2, 4 and 5 are presently rejected over U.S. Patent 5,904,261 to Belinky et al. when considered in combination with U.S. Patent 5,766,020 to Hughes. In formulating this rejection the Examiner argues that the Belinky et al. patent teaches a power outlet and it is “a design choice to supply AC power or DC power through the power outlet”. The Applicant believes the Examiner's position is untenable under the law since the Examiner is apparently considering the term “power outlet” out of the context of the Belinky et al. patent and in the bright light of hindsight based upon the knowledge and teachings of the present invention.

More specifically, the Belinky et al. patent specifically identifies the “electrical connector” as being “carried by a towing vehicle for communication of brake and turn signals from the towing vehicle to a trailer” (see column 1 lines 12-15). Consistent with this limited teaching, the Belinky patent explicitly refers to a “standard 7-way connector” and a “standard 6-way electrical connector” (see column 2 lines 38-39 and 43-44). Further, the Belinky et al. patent references “a mating trailer electrical connector” at column 2 line 60.

It is clear that the Belinky et al. patent exclusively refers to an electrical connector 40 adapted for communicating brake and turn signals from the towing vehicle to a trailer. There is no other disclosure, teaching or suggestion that the electrical connector will serve any other purpose. There is no disclosure in the reference to “motivate” one skilled in the art to provide any form of true utility outlet as claimed. That suggestion is simply a result of hindsight and is based upon the knowledge and teachings of the present invention.

As stated by the Court of Appeals for the Federal Circuit in *In Re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989), “the mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” The only source of the suggestion to provide a utility outlet in addition to a trailer light plug as set forth in claim 1 is the present application.

While the secondary reference to Hughes refers to a trailer light plug, the only combination of the Belinky et al. and Hughes references supported by the disclosure in those references would be to substitute the plug of Hughes for the electrical connector 40 in the Belinky et al. patent. The fact is, neither of the cited references teach, relate to or in any way suggest providing a trailer hitch receiver assembly with both a trailer light plug and a separate DC utility power outlet. Thus, the rejection of claims 1, 2, 4 and 5 is improper and should be withdrawn.

Similarly, claims 3 and 6 should also be allowed. While the Witkowski et al. patent does teach an outlet with a hinged cover to protect the outlet from the environment, it does not suggest providing any form of trailer hitch receiver assembly with both a trailer light plug and a DC utility power outlet. Thus, it does not provide the teaching missing from the primary reference to Belinky et al. and the secondary reference to Hughes as noted above. Accordingly, claims 3 and 6 should also be formally allowed.

Claims 7-10 clearly patentably distinguish over U.S. Patent 6,080,014 to Steiler. As support for this rejection the Examiner argues that Steiler discloses a trailer connector mount where the connector completes an electrical path and as such that path is capable of passing both AC or DC types of electricity as a matter of design choice. This reasoning, however, fails to consider the Steiler patent in context.

It is the explicit objective of the Steiler patent to provide a trailer circuit connector mount capable of connection with the various standard trailer plug “configurations of from four to seven pins in various sizes and geometric arrangements” (see column 1 lines 18-28). Consistent with this objective the Steiler patent refers to a connector socket 16A described as “a conventional four-pin device” and one of the “standard plug configurations” (see column 5 lines 18-25). Steiler also describes the connector socket 16B “as a conventional six-pin device” and the connector socket 16C is a “heavy-duty seven-pin socket” (see column 6 lines 58-59 and 64).

In addition, specific examples of the assembly 10 of the Steiler patent are illustrated in Table 1. The Examiner should note that all the assemblies cited in the Steiler patent include four-pin, six-pin or seven-pin standard connectors for electrically connecting a vehicle to a trailer. None include any form of AC or DC utility (read nontrailer) connection as claimed. Thus, there is no teaching or motivation whatsoever in the Steiler patent to modify the apparatus disclosed to include a utility type of outlet as set forth in claims 7-10.

Further, since all connector sockets disclosed in the Steiler patent are explicitly designed for trailer connection there is no teaching to suggest that either DC or AC current could be run through those connections as suggested by the Examiner. The towing vehicles run on DC current and the trailer light systems also run on DC current. Running AC current through a standard four-pin, six-pin or seven-pin trailer connector could damage the DC lighting system of the trailer and one skilled in the art would simply not make the modification proposed by the Examiner. In fact, that modification would serve no purpose; it would even prevent proper operation of the trailer lighting system. There simply is nothing in the Steiler patent that would in any way lead one skilled in the art to provide both a DC utility power outlet and an AC utility power outlet on a trailer hitch receiver assembly as set forth in claim 7 as well as claims 8 and 9 dependent thereon.

Claim 10 is now canceled and re-presented in independent form as new claim 22 covering a trailer hitch receiver assembly including both a trailer light plug and a standard 12 volt DC utility power receptacle. As set forth on page 7 lines 14-17 of the present application, such a receptacle is adapted to receive “a standard 12 volt power plug (i.e. a cigarette lighter plug)”. Such a structure is in no way contemplated or suggested by the Steiler patent. Accordingly, claim 10 should also be formally allowed.

Claims 11 and 13 also patentably distinguish over the Belinky et al. patent even when considered in combination with the Hughes patent. Claim 11 reads on a method of powering an electrical device from a trailer hitch receiver assembly including the step of providing a trailer hitch receiver assembly with a utility power outlet and a trailer light plug. As noted above, the Belinky et al. patent discloses a trailer hitch receiver assembly with a trailer light plug. It in no way teaches or suggests providing a trailer hitch receiver assembly with both a utility power outlet and a trailer light plug. The secondary reference to Hughes teaches another form of trailer light plug. In combining Belinky et al. with Hughes, it might be obvious to substitute the trailer light plug of the Hughes patent for the trailer light plug of the Belinky et al. patent. It, however, would in no way be obvious to modify the Belinky et al. patent to include a utility power outlet, a structure taught in neither the primary nor the secondary reference, in addition to a trailer light plug. Thus, claim 11 clearly patentably distinguishes over these cited references and should be allowed.

This is also true of claim 13 which depends from claim 11 and is allowable for the same reasons. Further, it should be appreciated that claim 13 provides the step of powering the utility outlet with 110 volt AC power from a power inverter on the towing vehicle. One skilled in the art would certainly not find it obvious to power a trailer light plug as taught in the Belinky et al. or Hughes patents with AC power since AC power has the potential to damage the DC light system of a trailer.

Claim 12 patentably distinguishes over the Belinky et al. and Hughes patents even when considered in further combination with U.S. Patent 4,936,796 to Anderson, Jr. As noted above, the Belinky et al. and Hughes patents both relate to trailer light plugs. Neither relates to a separate, functional DC utility power outlet. While the Anderson, Jr. patent does disclose a separate DC power outlet, there is nothing in any of the cited references to teach or suggest providing both a trailer light plug and a DC power outlet on a trailer hitch receiver assembly as set forth in claim 11 from which claim 12 depends. Stated another way there is no specific hint or suggestion or motivation in the references to support the combination proposed by the Examiner. Omission of a relevant factor such as motivation required by precedent is both legal error and arbitrary agency action (see *In Re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002)). As such, the rejection of claim 12 is improper and should be withdrawn.

Claim 14 very clearly patentably distinguishes over the Steiler and Hughes patents. Claim 14 depends from claim 7 and therefore reads upon a trailer hitch receiver

assembly including a trailer light plug, a DC utility power outlet and an AC utility power outlet. While Steiler does suggest the possibility of providing multiple outlets on a trailer hitch receiver assembly, the explicit teachings of Steiler clearly limit those outlets to standard trailer light plug configurations (e.g. four-pin, six-pin or seven-pin). Steiler does not suggest providing any form of DC or AC utility power outlet on a trailer hitch receiver assembly. Further, since trailer electrical systems are DC powered there is absolutely nothing in Steiler to even remotely suggest providing an AC power outlet on a trailer hitch receiver assembly as it would serve no purpose in powering the trailer light system. Hughes does nothing to address this shortcoming of the primary reference since Hughes also only relates to a trailer light plug. It is therefore clear that claim 14 patentably distinguishes over this art and should also be formally allowed.

New claims 15-21 also very clearly distinguish over the art of record. Claim 15 reads on a trailer hitch receiver assembly including both a trailer light plug and a DC utility power outlet for powering equipment other than a trailer. Support for this claim is found throughout the specification including, for example, page 2, line 15 to page 3, line 2 and page 7, line 7 to page 8, line 20. The cited and applied references only teach providing power outlets for powering trailer light systems on trailer hitch receiver assemblies, nothing else. Accordingly, this claim should be allowed.

Claim 16 reads on a trailer hitch receiver assembly including both a trailer light plug and a standard 110 volt AC utility power outlet. Similarly claim 17 reads on a

trailer hitch receiver assembly with both a trailer light plug and an AC utility power outlet for powering equipment other than a trailer. Support for these claims is found throughout the specification at, for example, page 2, line 15 to page 3, line 2 and page 7, lines 7-13. There is no AC utility receptacle or outlet on any of the prior art references cited and applied by the Examiner and simply no basis for a rejection in the absence of forbidden "hindsight" analysis.

New claim 18 reads on methods of powering an electrical device wherein a trailer hitch receiver assembly is provided with a trailer light plug and a utility power outlet. That utility power outlet is either a standard 12 volt DC power outlet or a standard 110 volt AC power outlet. Similarly, claim 19 reads on a method wherein the trailer hitch receiver assembly includes a trailer light plug and a utility power outlet for powering equipment other than a trailer. No such methods are taught or suggested in the cited prior art and, accordingly, claims 18 and 19 should be allowed.

New claim 20 reads on a trailer hitch receiver assembly including both a standard 12 volt DC power outlet and a standard 110 volt AC power outlet. As noted above, no such structural combination is in any way taught or suggested in the art of record.

Similarly, new claim 21 reads on a trailer hitch receiver assembly including both DC and AC utility power outlets for powering equipment other than a trailer. All trailer hitch receiver assemblies cited by the Examiner exclusively carry trailer light plugs for

the trailer lighting systems. None carry any form of power outlet for powering equipment other than a trailer. Accordingly, claim 21 should clearly be allowed.

In summary, all the pending claims patentably distinguish over the art and should be allowed. Upon careful review and consideration, it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal notice of allowance is earnestly solicited. The Examiner is hereby authorized to charge any required extension or extra "total claims" or "independent claims" fees to deposit account no. 11-0978.

Respectfully submitted,

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